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U.S. House of Representatives
Committee on Commerce
Room 2125, Rayburn House Office Building
Washington, DC 20515-6115

JAMES E. DERDERIAN, CHIEF OF STAFF

OPENING STATEMENT OF CHAIRMAN DAN SCHAEFER
BEFORE THE SUBCOMMITTEE ON ENERGY AND POWER

HEARING ON H.R. 629, THE TEXAS LOW-LEVEL RADIOACTIVE WASTE
DISPOSAL COMPACT CONSENT ACT
May 13, 1997

Today the Subcommittee meets to consider the Texas Low-Level Radioactive Waste Disposal Compact Consent Act. Unfortunately, this issue is not new to the Committee. Over the last two Congresses, the Compact has been complete except for the grant of congressional consent. Hopefully, this third time will be the charm.

The Low-Level Radioactive Waste Policy Act laid the foundation for the Texas Compact, and the fundamental determination of that Act was that States would be responsible for the disposal of these wastes. It would be the States' responsibility to work together to form interstate compacts, to make siting decisions, and to manage the facilities responsible for handling low-level radioactive wastes. The role for Congress is fairly simple and fairly limited: to ensure that the States are following the standards established by the Act and to approve these interstate compacts in a timely and responsible manner.

One of the central issues of contention with the Texas Compact has been the siting decision. Several of our witnesses will testify of their opposition to the site proposed for the disposal facility. That opposition is a proper element of the overall process. And if the proposed site does not meet the requirements of the Low-Level Waste Policy Act, then that would properly affect our decision-making on whether to grant congressional consent. However, the siting debate is one that should primarily be taking place at the State level, not the Federal. Again, I should remind the Committee that siting decisions were left to the States under the Low-Level Waste Policy Act. Regardless of the site, the Texas Compact requires congressional consent to be fully implemented and to allow the Compact the option to exercise the Low-Level Waste Policy Act's commerce clause restrictions, just as the other compacts enjoy.

Congress has already approved nine compacts: the Texas Compact would be the tenth, and would put a total of 44 States under compact agreements. I look forward to today's hearing,

to examining whether the Compact meets the requirements of the Low-Level Waste Act. and to determining whether the siting decisions of the State of Texas should have any impact on Congressional approval of the Compact.